HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO. 11118 OF 1998

DATE: 15.03.2007

Between:

Gurram Brahmanandam

…Petitioner

AND

1. The State of A.P. rep by its Secretary, Revenue Department, Secretariat, Hyderabad and two others.

….Respondents

HON'BLE MS JUSTICE G. ROHINI

WRIT PETITION NO. 11118 OF 1998

ORAL ORDER:

The petitioner claims to be a small farmer possessing Ac. 1.50 cents of land situated in S.No. 462/1 at Talamanchili Village, Kodavalur Mandal, Nellore District.

It is stated that apart from the said land he has been cultivating another extent of Ac. 0.90 cents of Government poramboke land, which is situated just adjacent to his land in S.No. 462/1.

This Writ Petition is filed aggrieved by the action of the respondents in seeking to dispossess the petitioner from the said land of Ac.0-90 cents on the basis of the order dated 5.1.1998 passed by the first respondent.

It is not in dispute that the petitioner had earlier made a representation before the 1st respondent alleging that the 3rd respondent – Mandal Revenue Officer, Kodavalur Mandal was interfering with his possession and enjoyment of Ac.0-90 cents of Government Land without there being any justifiable reason. Having entertained the same, the 1st respondent by order dated 20-5-1986 granted stay of further proceedings. However, it appears that subsequently the 1st respondent having called for a report from the 2nd respondent vacated the said order of stay and disposed of the Revision Petition/Representation made by the petitioner under the order dated 5-1-1998. Pursuant to the said order dated 5-1-1998, the petitioner was sought to be dispossessed form the land in question. Hence, this writ petition.

It is contended by the learned counsel for the petitioner that the said order passed by the first respondent dated 5.1.1998 is in violation of principles of natural justice since no notice was issued to him at any point of time before passing the said order.

Though a counter affidavit has been filed on behalf of the respondents, the fact that the petitioner was not served with any notice before passing the impugned order dated 5.1.1998 has not been disputed.

In the circumstances, the impugned order, which is violative of fundamental principles of natural justice is liable to be set aside on that ground alone.

Accordingly, without expressing any opinion on merits, the impugned order, so far as the Writ Petitioner is concerned, is hereby set aside and the Writ Petition is disposed of with a direction to the first respondent to pass appropriate orders afresh in accordance with law after due notice to the petitioner. No order as to costs.

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G. ROHINI, J

Date: 15.03.2007
KA